

In re: Gebreselassie et al.
Serial No.: 10/644,339
Filed: August 20, 2003
Page 8 of 11

REMARKS

Claims 1-31 are pending. Claims 1, 5-9, 12, 16-18, 21 and 25-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,092,854 to Campbell ("Campbell"). Claims 10, 11, 19, 20, 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell. Claims 2-4, 13-15 and 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of other secondary references. Applicants have amended independent Claims 1, 12 and 21, and have cancelled Claims 5, 6, 16, 25 and 26, as indicated above, to clarify Applicants' invention. Applicants respectfully traverse the rejections under §102 and §103 for at least the reasons set forth below.

In re: Gebreselassie et al.
Serial No.: 10/644,339
Filed: August 20, 2003
Page 9 of 11

§102 and §103 Rejections Are Overcome

A claim is anticipated under 35 U.S.C. §102 if each claimed element is found in a single prior art reference. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by an ordinary artisan. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d at 1576.

Applicants' amended independent Claim 1 recites a dash insulator that is configured to be attached to a vehicle firewall in face-to-face contacting relationship therewith, wherein the firewall includes an opening formed therethrough, the dash insulator comprising:

- a substrate having opposite first and second surfaces and opposite first and second edge portions;
- an opening formed through a portion of the substrate;
- a pass-through assembly comprising opposite first and second sides and a peripheral edge portion, ...; and
- an instrument panel attached to the substrate, wherein the instrument panel is movably attached to the substrate* such that movement of the instrument panel relative to the dash insulator facilitates installation of the dash insulator and instrument panel within a vehicle.

Amended independent Claims 12 and 21 contain similar recitations.

The primary reference, Campbell, fails to teach or suggest various of the elements of amended Claim 1. For example, Campbell fails to teach or suggest an instrument panel attached to a dash insulator. Regarding this element, the Action states "while not shown, an instrument panel is attached to the das [sic] insulator substrate (4)." In addition to admitting that this element of Applicants' amended Claim 1 is not shown, the Action fails to cite any part of the text of Campbell to support this allegation. In fact, Campbell has only three passages that use the term "instrument panel" and each of these are set forth below:

A wiring harness is typically arranged along a portion of the dash mat and extends from a fuse box to various components, such as radios, switches, lights, gauges, etc., within the passenger compartment. An outer surface of the dash mat is typically in contact with a bottom surface of the vehicle carpet and extends beyond the carpet to an upper portion of the firewall behind the instrument panel. (Campbell, Col. 1, Lines 25-32).

In re: Gebreselassie et al.
Serial No.: 10/644,339
Filed: August 20, 2003
Page 10 of 11

Typically, a modular plate barrier, which is provided with a smaller steering column and mounting apertures, is used to cover the larger dash mat opening. After installation of the steering column and instrument panel, it is desirable to securely seal the modular plate barrier to the rest of the dash mat. (Campbell, Col. 2, Lines 1-6).

Referring now to FIGS. 1-3 mat assembly 10 includes an outer sound barrier mat or planer sheet 12 having a first outer surface 14 and a second inner surface 16. The sound planar sheet 12 is preferably formed of a relatively stiff elastomeric material, that is approximately 2 mm in thickness. The outer surface 14 of the planer sheet 12 faces the underside of a vehicle carpet (not shown) and typically extends past the carpet behind the instrument panel while the inner surface 16 faces the vehicle firewall 17. A foam layer 18 can be attached to the inner surface 16 and abut the firewall 17 when the dash mat assembly 10 is installed for further insulating the passenger compartment from the engine compartment. (Campbell, Col. 2, Line 65 - Col. 3, Line 10).

None of these passages teaches or suggests attaching an instrument panel to a dash insulator. Moreover, Campbell fails to teach or suggest an instrument panel and dash insulator that can move relative to each other to facilitate installation within a vehicle passenger compartment during vehicle assembly.

As viewed by the ordinary artisan, there is a great difference between Applicants' dash insulator as claimed in amended independent Claim 1 and the dash mat of Campbell. Because Campbell does not disclose all of the recited elements of independent Claim 1, Claim 1 and all claims depending therefrom are not anticipated by Campbell. For at least the same reasons, independent Claims 12 and 21 and all claims depending therefrom are not anticipated by Campbell. As such, the rejections under 35 U.S.C. §102 are overcome.

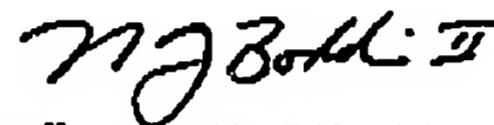
The secondary references fail to provide the missing teachings of Campbell. None of the secondary references teaches or suggests an instrument panel attached to a dash insulator. Moreover, none of the secondary references teaches or suggests an instrument panel and dash insulator that can move relative to each other to facilitate installation within a vehicle passenger compartment during vehicle assembly. Because the primary and secondary references, alone or in combination, fail to teach or suggest *all* the recitations of Claim 1, Applicants respectfully request withdrawal of the present rejections of independent Claim 1, and claims dependent therefrom, under 35 U.S.C. §103. For at least the same reasons,

In re: Gebreselassie et al.
Serial No.: 10/644,339
Filed: August 20, 2003
Page 11 of 11

Applicants respectfully request withdrawal of the present rejections of independent Claims 12 and 21, and claims dependent therefrom, under 35 U.S.C. §103.

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

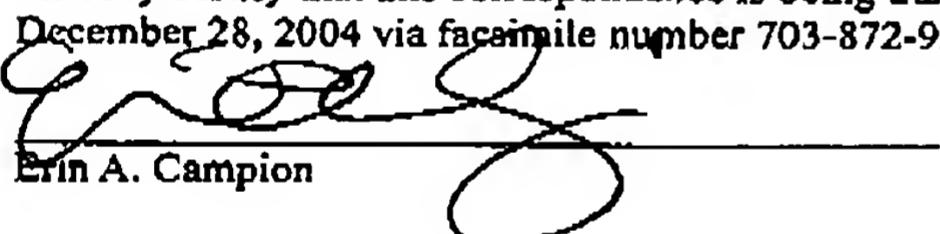


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